

REMARKS

The following remarks are responsive to the Official Action mailed June 30, 2006.

In the Official Action, claims 1-5 and 8-10 are rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,490,513 to *Damadian* in view of U.S. Patent No. 4,668,915 to *Daubin et al.* And claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Damadian* in view of *Daubin* and further in view of U.S. Publication No. 2001/0037219 to *Malik*. Of the above-identified claims, claims 1, 8 and 10 are independent. Claims 1, 8 and 10 have also been amended so as to recite that the various scanners included within each of the claims are independently operable. For example, claims 1, 8 and 10 both include recitations directed to a first magnetic resonance imaging scanner being large enough to allow a torso of a patient to be scanned and a second magnetic resonance imaging scanner being small enough to only allow an extremity of a patient to be scanned or a similar recitation. Thus, as included within independent claims 1, 8 and 10, two different types of scanners are included within both of the claims.

The Examiner asserts that *Daubin* and *Damadian* both disclose a device that includes two magnetic resonance imaging scanners. The Examiner also asserts that it would have been obvious to scan a torso of a first person and an extremity of a second person using the two scanning devices in either *Damadian* or *Daubin*, if it was required. Unfortunately, the Examiner has not grasped the present invention. Independent claims 1, 8 and 10 include a recitation that the second magnetic resonance imaging device is limited to an extremity scanner or similar construction. An extremity scanner differs from a torso scanner in that an extremity scanner is substantially less expensive to operate as well as to install. The cost associated with the purchase and installation of an extremity scanner is relatively

low, allowing for wide-spread deployment. This is particularly advantageous for facilities that may be able to afford only one conventional scanner but not a second conventional scanner.

Additionally, as shown in *Daubin* and *Damadian*, conventional scanners require a much larger area as compared to extremity scanners. Requiring a facility to have a large enough area to house two conventional scanners further increases the cost of operating the conventional scanners as opposed to a single conventional scanner and a single extremity scanner.

Neither *Daubin* nor *Damadian* disclose substituting an extremity scanner for one of the conventional scanners disclosed in the respective reference. Nor would one be motivated to substitute one of the conventional scanners in either *Daubin* or *Damadian* with an extremity scanner. This is because *Daubin* and *Damadian* illustrate at least two full-bodied scanners attached to one another. The at least two full-bodied scanners of both references allow more than one patient to have an MRI at the same time. The two scanners have individual scanning areas but share a magnet that supplies the magnetic field to both scanning areas. Therefore, the at least two full-bodied scanners of *Daubin* and *Damadian* operate simultaneously and share a common magnetic field. If one were to substitute an extremity scanner for one of the conventional scanners of either *Daubin* or *Damadian*, a substantial amount of restructuring would be required.

Along this line, Applicant has amended independent claims 1, 8 and 10 so as to include a recitation directed to the two different scanners being independently operable from one another. As stated before, the at least two scanners in both *Daubin* and *Damadian* are not only attached to each other but also share a common magnet. The common magnet applies a magnetic field to both scanners in each reference simultaneously and thereby causes both the scanners in *Daubin* and *Damadian* to be

subjected to a magnetic field even if not required to be an operation. In contrast, the conventional scanner and extremity scanner of the present claims may be operated independently of one another and even positioned in rooms remote from one another. Applicant therefore asserts that independent claims 1, 8 and 10 as well as their dependent claims should be deemed allowed.

With regard to claim 7, *Malik* is cited for teaching assigning patients to a pool based upon the attributes of the patient and/or the attributes of the doctors. Regardless, at no point does *Malik* discuss providing a first conventional scanner and a second extremity scanner as included within independent claim 1, from which claim 7 depends. Thus for arguments consistent with those with regards to claim 1, Applicant asserts that claim 7 should be deemed allowed.

Claims 6 and 11-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Damadian* in view of *Daubin* and further in view of U.S. Patent No. 6,414,490 to *Damadian et al.* ("*Damadian II*"). *Damadian II* is cited for teaching an MRI that can position a patient at a range of orientation from a horizontal position to a vertical position. Regardless, with regard to independent claims 1, 8, 10 and 20, *Damadian II* does not satisfy the deficiencies of *Damadian* and *Daubin* as discussed above. For instance, *Damadian II* does not disclose utilizing a conventional scanner in conjunction with a single extremity scanner as included within independent claims 1, 8, 10 and 20 of the present application. In addition, all of these independent claims also include the recitation that the two different scanners are independently operable from one another. This is also not disclosed by *Damadian II*. Therefore for arguments consistent with those made with regard to independent claims 1, 8 and 10, Applicant asserts that claims 6 and 11-20 should be deemed allowed.

Independent claim 17 is directed to a magnetic imaging apparatus. The apparatus includes a means for moving a patient's support relative to the magnet and an imaging volume of a range of motion that is less than 1 ½ ft. when the patient is in a vertical orientation. The Examiner asserts that *Damadian II* discloses all the recitations included within independent claim 17 as well as claim 17's dependent claims. However, *Damadian II* discloses a positioning device that is not limited to 1 ½ ft. when the patient is in a substantially vertical orientation. For instance, in *Damadian II* at column 6, line 10 et. seq., it states that the typical pole axis is about 5-6 ft. above a floor and the patient-positioning device has the ability to elevate the patient such that the desired body parts are aligned with the pole axis. This therefore requires that the mobile patients positioning device in *Damadian II* be able to elevate a person of normal height greater than 1 ½ ft. Thus, Applicant asserts that independent claim 17 is patentably distinct from the art cited and should be deemed allowed.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone Applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

Application No.: 10/721,016

Docket No.: DAMADIAN 3.0-080

If there are any additional charges in connection with this requested Amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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